STATE OF NORTH CAROLINA

GUILFORD COUNTY

File No. 07 cvs 8908

Film No.

In the General Court Of Justice
[X] District [ ] Superior Court Division

Plaintiff's Name
ROBERT D. COBB

Address C/O BENSON & BROWN, PLLC
301 N. GREENE STREET

City, State Zip
GREENSBORO, NC 27401

CIVIL SUMMONS

V E R S U S

Defendant

FOX NEWS NETWORK, LLC

* [ ] **Alias and Pluries Summons**
The summons originally issued against you was returned not served.

Date Last Summons Issued	*Disregard this section unless the block is checked

Service Information for First Defendant

TO:
FOX NEWS NETWORK, LLC by serving its Registered Agt
THE PRENTICE-HALL CORPORATION SYSTEM, INC.
2711 CENTERVILLE ROAD, SUITE 400
WILMINGTON, DE 19808

Service Information for Second Defendant

TO:

A Civil Action Has Been Commenced Against You!

You are notified to appear and answer the complaint as follows:

1. Serve a copy of your written answer to the complaint upon the plaintiff or his attorney within thirty (30) days after you have been served. You may serve your answer by delivering a copy, or by mailing it, to the plaintiff at the plaintiff's last known address, and

2. File an original of the written answer with the Clerk of Superior Court of the county named above.

If you fail to answer the complaint the plaintiff will apply to the court for the relief demanded in the complaint.

Name and Address of Plaintiff's Attorney
If None, Address of Plaintiff

Drew Brown, Esq.
Benson & Brown, PLLC
301 N Greene Street
Greensboro, NC 27401
336-273-6323

Date Issued 8/7/07

Time Issued 10:06 [✓] AM [ ] PM

Signature

[X] Deputy CSC [ ] Assistant CSC [ ] Clerk of Superior Court

☐ ENDORSEMENT
This summons was originally issued on the date indicated above and was returned not served. At the request of the plaintiff, the time within which this summons must be served is thirty (30) days.

Date of Endorsement

Time Issued [ ] AM [ ] PM

Signature

[ ] Deputy CSC [ ] Assistant CSC [ ] Clerk of Superior Court

EXHIBIT A

AOC-CV-100 Rev. 10/01

Dockets.Justia.com

RETURN OF SERVICE

I certify that this Summons and a copy of the complaint were received and served as follows:

DEFENDANT 1

Date Served	Time Served ☐ AM ☐ PM	Name Of Defendant

☐ By delivering to the defendant named above a copy of the summons and complaint.

☐ By leaving a copy of the summons and complaint at the dwelling house or usual place of abode of the defendant named above with a person of suitable age and discretion then residing therein.

☐ As the defendant is a corporation, service was effected by delivering a copy of the summons and complaint to the person named below.

Name And Address Of Person With Whom Copies Left (if corporation, give title of person copies left with)

☐ Other manner of service *(specify)*

☐ Defendant WAS NOT served for the following reason:

DEFENDANT 2

Date Served	Time Served ☐ AM ☐ PM	Name Of Defendant

☐ By delivering to the defendant named above a copy of the summons and complaint.

☐ By leaving a copy of the summons and complaint at the dwelling house or usual place of abode of the defendant named above with a person of suitable age and discretion then residing therein.

☐ As the defendant is a corporation, service was effected by delivering a copy of the summons and complaint to the person named below.

Name And Address Of Person With Whom Copies Left (if corporation, give title of person copies left with)

☐ Other manner of service *(specify)*

☐ Defendant WAS NOT served for the following reason.

Service Fee Paid $	*Signature Of Deputy Sheriff Making Return*
Date Received	*Name Of Sheriff (Type Or Print)*
Date Of Return	*County Of Sheriff*

AOC-CV-100, Side Two, Rev. 10/01

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NORTH CAROLINA)
FILED
)
COUNTY OF GUILFORD)
2007 AUG -7 A 10: 06
GUILFORD COUNTY, C.S.C.
BY [signature]

IN THE GENERAL COURT OF JUSTICE
SUPERIOR COURT DIVISION
07 CVS 8908

ROBERT D. COBB,)
Plaintiff,)
)
v.)
)
FOX NEWS NETWORK, LLC)
)
Defendant.)

COMPLAINT

(JURY TRIAL DEMANDED)

The Plaintiff, complaining of the Defendant alleges and says:

1. The plaintiff Robert D. Cobb ("Mr. Cobb") is a citizen and resident of Guilford County, North Carolina.

2. The defendant Fox News Network, LLC ("Fox News") is a foreign limited liability company which owns and operates a website at www.foxnews.com.

3. Upon information and belief, the website, much like the cable network operated by Fox News, is viewed by millions worldwide every day.

4. On the morning of June 21, 2007, the defendant's lead story was reported from Wilmington, NC.

5. The story was headlined "40-Year-Old Teacher Marries 16-Year-Old Student."

6. The story was featured as the top story on the front page of Foxnews.com.

7. The front page of Foxnews.com contained a large picture of Mr. Cobb superimposed next to a 16 year old girl, Windy Hager.

8. The photos together make it appear that Windy Hager and Mr. Cobb are in the same location next to each other.

9. The title on the picture on the front page of foxnews.com was "Teacher, Coach, and…Husband."

10. In order to read the full story, readers were directed to click on a link with the title "Does She Call Him Coach?"

11. When the readers clicked on the story, they were directed to an even larger picture of Mr. Cobb.

12. Mr. Cobb was previously a teacher in the Guilford County schools.

13. One of his fellow teachers was Brenton Wuchae, the 40 year old teacher who actually married 16-Year-Old Windy Hager in New Hanover County last month.

14. Mr. Cobb is married to another woman, Hannah Cobb, and, despite Fox News' accusations, has never been romantically involved in any way with 16-Year-Old Windy Hager.

15. Mr. Cobb is not a public figure.

16. This story was about an incident in North Carolina. The story was published and directed into the State of North Carolina. The harm was felt most in the State of North Carolina.

17. Upon information and belief, thousands of readers in the State of North Carolina viewed the Plaintiff with the headline "Teacher, Coach…and Husband…Does she call him coach?" and believe that the Plaintiff actually married 16-Year-Old Windy Hager.

18. Upon information, millions of readers around the country and world viewed the Plaintiff with the headline "Teacher, Coach…and Husband…Does she call him coach?" and believe that the Plaintiff married 16-Year-Old Windy Hager.

19. Further, the Fox News' .jpg file still exists containing further disparaging comments about Mr. Cobb on blogs around the internet. It was forseeable that Foxnews lead picture would be copied around the internet.

20. Upon information and belief, many of those readers still are under the impression that Mr. Cobb married this 16-year-old girl.

21. Mr. Cobb does not condone or in any way support the conduct of the real husband, Mr. Wuchae.

22. The defendant purposely published this story as its national lead story because of the extreme and outrageous conduct and the dramatic reaction it would get from the readership and public.

23. The defendant further knew or should have known that this gentleman's alleged conduct would likely be viewed as contemptuous and disgraceful and would potentially subject the person pictured to ridicule, contempt, or disgrace.

24. Further, the accusation against Mr. Cobb, an already married man, was clearly that he had committed adultery or at least had married another woman, a crime in North Carolina.

25. Within hours of the story first existing on the Fox News website, Mr. Cobb began to experience a small amount of the harm which the story was causing and continues to

cause in his life.

26. Upon being directed to the Fox News story that afternoon, Mr. Cobb reviewed the Foxnews.com website and clicked on the "Contact Us" link.

27. At that point, Mr. Cobb discovered a phone number on the website and attempted to contact Fox News.

28. Mr. Cobb was obviously distraught and anxious to correct Fox News and have his picture removed from this story.

29. At that point, Fox News subjected Mr. Cobb to a complicated automated menu program on its telephone system.

30. After several tries, Mr. Cobb was finally successful in completing the maze of automated voice responses and menu options to finally obtain a live person at Fox News.

31. When Mr. Cobb told Fox News about the story, he was laughed at by Fox News.

32. Fox News refused to take the picture off its website saying, "(w)e are leaving it on our site until you can prove that is not you."

33. When Mr. Cobb inquired how he could do that and continued to plead that they take the picture down in the interim, Fox News refused to provide further assistance and dismissed him.

34. At that point, Mr. Cobb was forced to leave his workplace and rush as quickly as possible to the Fox News affiliate in High Point, North Carolina.

35. Eventually, Mr. Cobb's picture was removed from the website.

First Claim for Relief
(Negligence)

36. Plaintiff reincorporates by reference Paragraph 1-35 of the Complaint.

37. Defendant owes a duty of reasonable care with regard to the rights of the public.

38. Defendant breached that duty by negligently obtaining and publishing the picture of the wrong person.

39. When nationally publishing such an extreme story about a nonpublic figure, it is simply negligent not to make sure you are accusing the proper person.

40. Plaintiff suffered damages thereby and is entitled to compensatory damages in excess of $10,000.

Second Claim for Relief
(Punitive Damages)

41. Plaintiff reincorporates by reference Paragraph 1-40 of the Complaint.

42. Defendant owes a duty of reasonable care with regard to the rights of the public.

43. Defendant breached that duty by recklessly obtaining and publishing the picture of the wrong person. Defendant's actions in this context constitute willful and wanton conduct.

44. Upon information and belief, some of defendant's officers or directors participated in this process and publication.

45. When nationally publishing such an extreme story about a nonpublic figure, it is simply reckless, willful and wanton not to make sure you are accusing the proper person.

46. Plaintiff suffered damages thereby and is entitled to compensatory and punitive damages in excess of $10,000.

Third Claim for Relief
(Libel Per Se)

47. Plaintiff reincorporates by reference paragraphs 1-46 of the alleged Complaint.

48. The defendant's false publication subjected the person pictured to ridicule, contempt, and disgrace. It was foreseeable that this would occur.

49. Because the plaintiff was already married, the accusation of another marriage was an accusation that Mr. Cobb's conduct was criminal.

50. Mr. Cobb suffered damages proximately caused by defendant's conduct in an amount to be proven at trial.

51. As a result, plaintiff is entitled to recover compensatory and punitive damages in an amount in excess of $10,000.

WHEREFORE, the Plaintiff prays the Court that he have and recover of the Defendant as follows:

1. Compensatory and punitive damages in excess of $10,000.

2. Interest at the legal rate from date of the filing of this Action.

3. Costs and Attorneys' Fees as permitted by North Carolina law.

4. For such other and further relief as to the Court may seem just and proper.

This the 7th day of August, 2007

Drew Brown
Attorney for Plaintiff
BENSON & BROWN, PLLC.
301 N. Greene St.
Greensboro, North Carolina 27401
Telephone: (336) 273-6323
Facsimile: (336) 273-5597

Benson & Brown, PLLC
ATTORNEYS AT LAW

301 N. Greene Street
Greensboro, North Carolina 27401

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UNITED STATES POSTAGE
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0004541849 AUG 07 2007
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RETURN RECEIPT
REQUESTED

Fox News Network, LLC
The Prentice-Hall Corporation System, Inc.
Registered Agent
2711 Centerville Road, Suite 400
Wilmington, DE 19808

1980831645 C073

CORPORATION SERVICE COMPANY

Notice of Service of Process

SXY / ALL
Transmittal Number: 5281622
Date Processed: 08/09/2007

Primary Contact:	Tami P. Fortier-Gomez Fox Entertainment Group 2121 Avenue Of The Stars Suite 1419 Los Angeles, CA 90067

Entity:	Fox News Network, LLC Entity ID Number 1663661
Entity Served:	Fox News Network, LLC
Title of Action:	Robert D. Cobb vs. Fox News Network, LLC
Document(s) Type:	Summons/Complaint
Nature of Action:	Other
Court:	Guilford County General Court of Justice, North Carolina
Case Number:	07 CVS 0908
Jurisdiction Served:	Delaware
Date Served on CSC:	08/09/2007
Answer or Appearance Due:	30 Days
Originally Served On:	CSC
How Served:	Certified Mail
Plaintiff's Attorney:	Drew Brown 336-273-6323

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To avoid potential delay, please do not send your response to CSC

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